

4624 TROPICANA



**BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR
WEDNESDAY, SEPTEMBER 24, 2014**

**CITY DEVELOPMENT DEPARTMENT
BUILDING SAFETY DIVISION**

MEMORANDUM
September 11, 2014

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, City Development Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 4624 Tropicana Ave., El Paso, TX 79904

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on April 1996. Recently inspected on April 23, June 11, July 9 and September 12, 2014. The structures were condemned on June 30, 1996 by City Council to board and secure the structure, drain and clean the pool and to clean the premises of all weeds, trash and debris and maintain the main structure secure and the property clean thereafter. The single family dwelling was built on or about 1969. The main structure has remained in compliance by remaining secure from unwanted entry. The pool structure's attempts to be secured have been unsuccessful and it has become a nuisance to the city and to the neighborhood. The property is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to the owner Seymour F. & Jean L. Adams
- 3) Certified notices of the public hearing scheduled for September 24, 2014 were mailed to the owner and all interested parties on September 09, 2014.
- 4) As of September 11, 2014, \$4,219.50 is owed in taxes.

The owners have been notified of the property violations at this property. To date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures remain condemned as substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare.
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
- 3) That the Certificate of Occupancy remain revoked; and
- 4) That the main structure can be rehabilitated; and
- 5) That the main structure remain secured; and
- 6) That the pool structure be demolished/filled in within 30 days; and
- 7) That the pool enclosure be secured within 30 days and maintained secure thereafter; and
- 8) That the property be registered as a vacant building with the City Of El Paso, and
- 9) That the premises be cleaned within 30 days & maintained clean thereafter.
- 10) That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division
April 24, 2014
NOTICE OF VIOLATION

ADAMS SEYMOUR F & JEAN L.
6104 VIA FORTUNA LN
EL PASO, TX 79912-2603

Re: 4624 TROPICANA AVE.
Blk: 2 NORTH RIDGE
Lot: W 70 FT OF 7 (7000 SQ FT)
Zoned: R - 3
Case Number ENHS14-00898
91 7199 9991 7030 7756 1787

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks

ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

The structure located at **4624 TROPICANA AVE.** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. Swimming pools, Spas and Hot Tubs shall be maintained in a clean and sanitary condition, and in good repair, proper enclosures are required for swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth [Sec.303.1 & 303.2]
- c. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- h. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- i. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- j. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290 or 240-2273.

Alexandro Esparza
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: September 24, 2014

TIME: 5:30 p.m.

PROPERTY: 4624 Tropicana Avenue, El Paso, Texas also described as Lot 7 except the East 3 feet thereof, Block 2, NORTH RIDGE, an Addition to the City of El Paso, EL Paso County, Texas, according to the plat thereof , recorded in Volume 25, Page 3, Plat Records of El Paso County, Texas; municipally known and numbered as 4624 Tropicana Avenue, El Paso, Texas..

The property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Seymour F. and Jean L. Adams, 6104 Via Fortuna, El Paso, Texas, 79912, are the owners, herein after referred to as the “Owners” of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building and Safety Division, City Development Department, 801 Texas Avenue, El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about 4/23/2014, an inspection of the property was conducted by the Building Safety Division (formerly Environmental Services Code Compliance Division) and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- b. Swimming pools, Spas and Hot Tubs Shall be maintained in a clean and sanitary condition, and in good repair, proper enclosures are required for swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth [Sec. 303.1 & 303.2]
- c. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- h. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- i. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris. [Sec. 108.2]
- j. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

The Owners are entitled to show cause that the Property is safe, does not constitute dangerous structures and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Building and Safety Division, City Development Department, 801 Texas Avenue, El Paso, Texas, 79901 or by calling (915) 212-1815.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNERS AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Wendi N. Vineyard
Assistant City Attorney

Victor Morrison-Vega
Deputy Director for Building,
Development and Permitting

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at **4624 Tropicana Avenue** was PUBLISHED in the official City newspaper on the ____day of_____, 2014.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **4624 Tropicana Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Seymour F. and Jean I. Adams
6104 Via Fortuna
El Paso, Texas 79912

I certify that a true and correct copy of the foregoing Notice regarding the property at **4624 Tropicana Avenue** was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at **4624 Tropicana Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at
4624 Tropicana Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at
4624 Tropicana Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at
4624 Tropicana Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at
4624 Tropicana Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

CITY DEVELOPMENT DEPARTMENT

DATE OF EXAMINATION: SEPTEMBER 10, 2014

REP. DISTRICT: 4

ADDRESS: 4624 TROPICANA AVE.

ZONED: R-3

LEGAL DESCRIPTION: 2 NORTH RIDGE W 70FT OF 7

OWNER: ADAMS SEYMOUR F & JEAN L.

ADDRESS: 6104 VIA FORTUNA LN.
EL PASO, TX 79912-2603

BUILDING USE: Abandoned Single-Family Dwelling w/ unmaintained pool structure.

TYPE OF CONSTRUCTION: V, wood frame w/brick veneer

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete and some carpet covering

CONDITION: Fair. Unable to determine, structure is secured from unwanted entry. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Brick veneer with wood frame

HEIGHT: 8' - 12' +/-

THICKNESS: 6' - 8' +/-

CONDITION: Fair. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood framing w / gypsum board covering

CONDITION: Fair. Unable to determine, structure is secured from unwanted entry. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Wood frame Composite Shingle roof covering.

CONDITION: Fair. Unable to determine, structure is secured from unwanted entry. A registered roofing contractor licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Aluminum frame windows.

CONDITION: Poor. Several windows and doors are broken. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced to make them operational.

PLUMBING: Unable to determine, structure is secured from unwanted entry. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Unable to determine, structure is secured from unwanted entry. A licensed electrician should be hired to bring system up to code.

MECHANICAL: Unable to determine, structure is secured from unwanted entry. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling was built on or about 1969 and found open and abandoned and in a state of disrepair. The structure was condemned to be secure on June 18, 1996 and has remained secured since. The pool structure has become a nuisance to the city and to the neighborhood. The pool structure should be secured and drained, demolished or filled in within thirty (30) days. The premises should be cleaned of all weeds, trash and debris within thirty (30) days and be maintained clean of all weeds, trash and debris.

Alexandro Esparza

Building Inspector

TAX REPORT

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary Notes Documents Go To:

EVAR
ACT8006 v1.255 09/11/2014 10:48
ACTEP

STATUS DETAIL Expand Fees Summary

Account Information

Account No. N463-999-0020-1300 Roll Code REAL PROPERTY

Certified Owner ADAMS SEYMOUR F & JEAN L

Parcel Address 4624 TROPICANA AVE

Amount Due as of 09/11/2014 CAD No. 77675

Tax Units

Tax Unit Description

List of Tax Units

1 3 6 7 8

AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type

Tax Unit Year Rec. Type

Multi Select

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2013	\$109,486					\$2,939.98	\$0.00	\$0.00	\$2,939.98	\$1,279.52	\$0.00	\$4,219.50
2012	\$109,486					\$2,856.19	\$2,856.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$107,648					\$2,758.37	\$2,758.37	\$0.00	\$0.00	\$193.08	\$0.00	\$0.00
2010	\$107,648					\$2,735.93	\$2,735.93	\$0.00	\$0.00	\$1,355.71	\$0.00	\$0.00
2009	\$108,735					\$2,708.95	\$2,708.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$108,186					\$2,703.34	\$2,703.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$115,575					\$2,911.47	\$2,911.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$94,576					\$2,737.24	\$2,737.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$80,662					\$2,518.59	\$2,518.59	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$42,634.27	\$39,694.29	\$0.00	\$2,939.98	\$6,575.94	\$0.00	\$4,219.50

Last Payment Date

Last Payer

Alert

9:48 AM
9/11/2014